

# United States Department of Agriculture

## FOOD AND DRUG ADMINISTRATION

### NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

17126-17150

[Approved by the Secretary of Agriculture, Washington, D. C., November 29, 1930]

**17126. Misbranding of Mealfalfa poultry greens. U. S. v. 500 Sacks of Mealfalfa Poultry Greens. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24597. I. S. No. 022938. S. No. 2930.)**

On or about March 14, 1930, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 500 sacks of Mealfalfa poultry greens, remaining in the original unbroken packages at Richmond, Va., alleging that the article had been shipped by the California Mealfalfa Co., from San Francisco, Calif., on or about February 15, 1930, and transported from the State of California into the State of Virginia, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Large conspicuous type) "Mealfalfa Poultry Greens [small inconspicuous type] Made from Fancy Alfalfa Hay with stems partially removed Concentrating the [large conspicuous type] Leaves And Blossoms [small inconspicuous type] Guaranteed analysis Protein 19% min. \* \* \* Manufactured by [medium-sized type] California Mealfalfa Company, Dixon, Cal."

It was alleged in the libel that the article was misbranded in that the statements on the label "Mealfalfa Poultry Greens Leaves and Blossoms," in large conspicuous type, and "Made from Fancy Alfalfa Hay with stems partially removed," in small, inconspicuous type, were misleading, since the said statements misled the purchaser into the belief that the article was composed solely of alfalfa leaves and blossoms; and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was composed solely of alfalfa leaves and blossoms, whereas it was not but was composed largely of alfalfa stems. Misbranding was alleged for the further reason that the statement "Guaranteed analysis Protein 19% min." was false and misleading in that the said statement represented that the article contained not less than 19 per cent of protein, and for the further reason that the statement "Guaranteed analysis Protein 19% min." deceived and misled the purchaser into the belief that the article contained not less than 19 per cent of protein, whereas it did not, but did contain a less amount. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, to wit, "Mealfalfa Poultry Greens Leaves and Blossoms" and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 15, 1930, the Carter-Venable Co. (Inc.), Richmond, Va., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,500, conditioned in part that it be relabeled to the satisfaction of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*